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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To provide for an enhanced penalty for an act of violent insurrection.

IN THE HOUSE OF REPRESENTATIVES

Mrs. TORRES of California introduced the following bill; which was referred
to the Committee on _____

A BILL

To provide for an enhanced penalty for an act of violent
insurrection.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Violent Insurrection
5 Recidivist Enhancement Act of 2026”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) There is a compelling governmental interest
2 in protecting democratic institutions, governmental
3 functions, and public safety.

4 (2) Attacks have occurred against the constitu-
5 tional order that undermine democratic institutions,
6 seek to stop governmental functions, and endanger
7 public safety.

8 (1) One such violent attack, the January 6,
9 2021 attack on the United States Capitol, con-
10 stituted an unprecedented assault on democratic in-
11 stitutions.

12 (3) Recidivist enhancements for those guilty of
13 actual or attempted insurrection, and associated con-
14 duct, are necessary to reflect the seriousness of the
15 offense, deter future attacks on constitutional gov-
16 ernance, and incapacitate the defendants from com-
17 mitting future such acts.

18 **SEC. 3. DEFINITIONS.**

19 For purposes of this Act:

20 (1) VIOLENT INSURRECTION.—The term “Vio-
21 lent Insurrection” means any person who—

22 (A) unlawfully entered the United States
23 Capitol, White House, or Supreme Court build-
24 ing or grounds in violation of sections 1361 and
25 1752 of title 18, United States Code, or section

1 5104 of title 40, United States Code, the sym-
2 bols of our highest government institutions—

3 (i) engaged in violence or threatened
4 violence against any person on these
5 grounds in response to actual or perceived
6 election results or activities and in viola-
7 tion of sections 111 and 372 of title 18,
8 United States Code, or section 5104 of
9 title 40, United States Code;

10 (ii) obstructed, influenced, or impeded
11 any official proceeding related to the cer-
12 tification of electoral votes or related to an
13 election in violation of section 1512(c) and
14 (k) of title 18, United States Code, or sec-
15 tion 5104 of title 40, United States Code;
16 or

17 (iii) damaged or destroyed property
18 on the United States Capitol, White
19 House, or Supreme Court building or
20 grounds in violation of section 1361 of title
21 18, United States Code, or section 5104 of
22 title 40, United States Code, and in re-
23 sponse to actual or perceived election re-
24 sults or activities;

1 (B) attempted to commit any of the fore-
2 going acts; or

3 (C) conspired to commit any of the fore-
4 going acts.

5 (2) ACT OF PRIOR VIOLENT INSURRECTION.—

6 The term “Act of Prior Violent Insurrection” means
7 a prior conviction for conduct constituting a violent
8 insurrection as defined in subsection (a) without re-
9 gard to—

10 (A) whether the conviction was subse-
11 quently pardoned; or

12 (B) whether the conviction was set aside.

13 **SEC. 4. RECIDIVIST ENHANCEMENT REQUIREMENT.**

14 (a) ENHANCED PENALTY REQUIREMENT.—A de-
15 fendant may receive an enhanced sentence under this Act
16 if—

17 (1) the defendant is convicted of an act of vio-
18 lent insurrection as defined in section 3;

19 (2) the defendant has engaged in prior act of
20 violent insurrection as defined in section 3; and

21 (3) the instant Federal crime was committed
22 after the effective date of this Act.

23 (b) RECIDIVIST ENHANCEMENT TERMS.—

24 (1) GENERAL ENHANCEMENT.—Except as pro-
25 vided in paragraphs (2) and (3), the person may re-

1 ceive an additional term of imprisonment of no more
2 than 4 years.

3 (2) SERIOUS FELONY ENHANCEMENT.—If the
4 underlying Federal crime is punishable by imprison-
5 ment of 10 years or more, the person may receive
6 an additional term of imprisonment of 5 years.

7 (3) VIOLENCE AGAINST GOVERNMENT EN-
8 HANCEMENT.—If the underlying Federal crime in-
9 volves—

10 (A) violence or threatened violence against
11 any Federal official or employee in violation of
12 sections 111 and 372 of title 18, United States
13 Code, or section 5104 of title 40, United States
14 Code;

15 (B) damage to Federal property in viola-
16 tion of section 1361 of title 18, United States
17 Code, or section 5104 of title 40, United States
18 Code;

19 (C) obstruction of any official Federal pro-
20 ceeding in violation of section 1512(c) and (k)
21 of title 18, United States Code, or section 5104
22 of title 40, United States Code; or

23 (D) any crime occurring on Federal prop-
24 erty in violation of section 1361 of title 18,

1 United States Code, or section 5104 of title 40,
2 United States Code;
3 the person may receive an additional term of impris-
4 onment of 10 years.

5 (c) LIFE ENHANCEMENT.—Any person convicted of
6 a Federal crime enumerated in this subsection who has
7 engaged in a pattern of anti-democratic conduct may be
8 sentenced to life imprisonment with a minimum term of
9 15 years if convicted of—

10 (1) treason (18 U.S.C. 2381);

11 (2) seditious conspiracy (18 U.S.C. 2384);

12 (3) advocating overthrow of government (18
13 U.S.C. 2385);

14 (4) murder of a Federal official (18 U.S.C.
15 1114);

16 (5) rebellion or insurrection (18 U.S.C. 2383);

17 or

18 (6) assassination or assault upon the President
19 or successors (18 U.S.C. 1751).

20 **SEC. 5. LIMITATIONS AND SAFEGUARDS.**

21 (a) CONSTITUTIONAL RIGHTS.—Nothing in this Act
22 shall be construed to deny or limit the constitutional rights
23 of any individual.

1 (b) APPEAL RIGHTS.—Any person sentenced under
2 this Act shall have the right to appeal both the underlying
3 conviction and the enhanced penalty.

4 **SEC. 6. TREATMENT OF PARDONED OR SET-ASIDE CONVIC-**
5 **TIONS.**

6 For purposes of section 4, a presidential pardon for
7 conduct constituting a pattern of anti-democratic conduct
8 under this Act that is not based on the innocence of the
9 individual or a reversible legal error that fundamentally
10 changed the outcome of justice shall not preclude the ap-
11 plication of enhanced recidivist penalties under this Act
12 for future Federal crimes.